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11 Attorneys for Debtors and Debtors-in-Possession

12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 In re:
 15 USA COMMERCIAL MORTGAGE COMPANY,
 16 Debtor.

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

17 In re:
 18 USA CAPITAL REALTY ADVISORS, LLC,
 19 Debtor.

Chapter 11

20 In re:
 21 USA CAPITAL DIVERSIFIED TRUST DEED
 22 FUND, LLC,
 23 Debtor.

Jointly Administered Under
 Case No. BK-S-06-10725 LBR

24 In re:
 25 USA CAPITAL FIRST TRUST DEED FUND,
 26 LLC,
 27 Debtor.

**EX PARTE APPLICATION FOR
 ORDER APPROVING
 EXAMINATION OF USA
 INVESTMENT PARTNERS, LLC
 PURSUANT TO FED. R. BANKR. P.
 2004**

28 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

1 Pursuant to Fed. R. Bank. P. 2004, USA Commercial Mortgage Company, USA Securities,
 2 LLC, USA Capital Realty Advisors, LLC, USA Capital Diversified Trust Deed Fund, LLC, and
 3 USA Capital First Trust Deed Fund, LLC (collectively, the “Debtors”), by and through their
 4 counsel, hereby apply for an order directing USA Investment Partners, LLC (“USAIP”), to be
 5 examined under oath in relation to the following:

- 6 1. The incorporation of USAIP and its past and present business operations.
- 7 2. The past and present management structure of USAIP.
- 8 3. The past and present relationship between any of the Debtors and USAIP.
- 9 4. The capitalization of USAIP, including whether any capital contributions
 came from funds of any of the Debtors.
- 10 5. All obligations owing to or from the Debtors and USAIP or any of their
 affiliates.
- 11 6. All transfers of any real or personal property to or from the Debtors and
 USAIP or any of their affiliates.
- 12 7. The assets of USAIP.
- 13 8. The liabilities of USAIP.
- 14 9. The creditors of USAIP.
- 15 10. Any and all projects or loans in which any of the Debtors
 and USAIP both have an interest.
- 16 11. Any other matter that may affect the administration of the
 Debtors’ estates.

17 Fed. R. Bank. P. 2004(a) provides that “[o]n motion of any party in interest, the court may
 18 order the examination of any entity.”

19 Local Rule 2004 provides, in pertinent part, the following:

- 20
- 21 (b) Order for examination. Orders for examination may be
 22 signed by the clerk if the date set for examination is more than ten
 (10) business days from the date such motion is filed....

23 As set forth above, the date for the proposed examination is more than ten (10) business
 24 days from the date of this Application. Accordingly, Debtors respectfully request that the Clerk of

1 the Court docket the Order for Examination of USAIP pursuant to Fed. R. Bank. P. 2004
2 submitted herewith.

WHEREFORE, Debtors respectfully request that this Honorable Court direct USAIP to appear through its representative designated in accordance with Fed. R. Civ. P 30(b)(6) on **December 14, 2006 at 9:00 o'clock a.m.** at the Debtors' business offices located at 4484 South Pecos Road, Las Vegas, Nevada, 89121 and continuing thereafter until completed.

7 ||| Respectfully submitted this 29th day of November, 2006.

/s/ Lenard E. Schwartzer, Esq.

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